

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 The Home Medical Equipment and Services Provider
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 ~~The Illinois Speech Language Pathology and Audiology~~
16 ~~Practice Act.~~

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and
19 Disciplinary Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (b) The following Acts are repealed on December 31, 2008:
2 The Medical Practice Act of 1987.
3 The Environmental Health Practitioner Licensing Act.
4 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
5 94-1085, eff. 1-19-07; revised 1-22-07.)

6 (5 ILCS 80/4.28 new)
7 Sec. 4.28. Act repealed on January 1, 2018. The following
8 Act is repealed on January 1, 2018:
9 The Illinois Speech-Language Pathology and Audiology
10 Practice Act.

11 Section 10. The Illinois Speech-Language Pathology and
12 Audiology Practice Act is amended by changing Sections 3, 5, 7,
13 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
14 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and 24.1 as
15 follows:

16 (225 ILCS 110/3) (from Ch. 111, par. 7903)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 3. Definitions. The following words and phrases shall
19 have the meaning ascribed to them in this Section unless the
20 context clearly indicates otherwise:

21 (a) "Department" means the Department of Financial and
22 Professional Regulation.

23 (b) "Secretary Director" means the Secretary Director of

1 Financial and Professional Regulation.

2 (c) "Board" means the Board of Speech-Language Pathology
3 and Audiology established under Section 5 of this Act.

4 (d) "Speech-Language Pathologist" means a person who has
5 received a license pursuant to this Act and who engages in the
6 practice of speech-language pathology.

7 (e) "Audiologist" means a person who has received a license
8 pursuant to this Act and who engages in the practice of
9 audiology.

10 (f) "Public member" means a person who is not a health
11 professional. For purposes of board membership, any person with
12 a significant financial interest in a health service or
13 profession is not a public member.

14 (g) "The practice of audiology" is the application of
15 nonmedical methods and procedures for the identification,
16 measurement, testing, appraisal, prediction, habilitation,
17 rehabilitation, or instruction related to hearing and
18 disorders of hearing. These procedures are for the purpose of
19 counseling, consulting and rendering or offering to render
20 services or for participating in the planning, directing or
21 conducting of programs that are designed to modify
22 communicative disorders involving speech, language or auditory
23 function related to hearing loss. The practice of audiology may
24 include, but shall not be limited to, the following:

25 (1) any task, procedure, act, or practice that is
26 necessary for the evaluation of hearing or vestibular

1 function;

2 (2) training in the use of amplification devices;

3 (3) the fitting, dispensing, or servicing of hearing
4 instruments; and

5 (4) performing basic speech and language screening
6 tests and procedures consistent with audiology training.

7 (h) "The practice of speech-language pathology" is the
8 application of nonmedical methods and procedures for the
9 identification, measurement, testing, appraisal, prediction,
10 habilitation, rehabilitation, and modification related to
11 communication development, and disorders or disabilities of
12 speech, language, voice, swallowing, and other speech,
13 language and voice related disorders. These procedures are for
14 the purpose of counseling, consulting and rendering or offering
15 to render services, or for participating in the planning,
16 directing or conducting of programs that are designed to modify
17 communicative disorders and conditions in individuals or
18 groups of individuals involving speech, language, voice and
19 swallowing function.

20 "The practice of speech-language pathology" shall include,
21 but shall not be limited to, the following:

22 (1) hearing screening tests and aural rehabilitation
23 procedures consistent with speech-language pathology
24 training;

25 (2) tasks, procedures, acts or practices that are
26 necessary for the evaluation of, and training in the use

1 of, augmentative communication systems, communication
2 variation, cognitive rehabilitation, non-spoken language
3 production and comprehension.

4 (i) "Speech-language pathology assistant" means a person
5 who has received a license pursuant to this Act to assist a
6 speech-language pathologist in the manner provided in this Act.
7 (Source: P.A. 94-528, eff. 8-10-05.)

8 (225 ILCS 110/5) (from Ch. 111, par. 7905)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 5. Board of Speech-Language Pathology and Audiology.
11 There is created a Board of Speech-Language Pathology and
12 Audiology to be composed of persons designated from time to
13 time by the Secretary ~~Director~~, as follows:

14 (a) Five persons, 2 of whom have been licensed
15 speech-language pathologists for a period of 5 years or
16 more, 2 of whom have been licensed audiologists for a
17 period of 5 years or more, and one public member. The board
18 shall annually elect a chairperson and a vice-chairperson.

19 (b) Terms for all members shall be for 3 years. A
20 member shall serve until his or her successor is appointed
21 and qualified. Partial terms over 2 years in length shall
22 be considered as full terms. A member may be reappointed
23 for a successive term, but no member shall serve more than
24 2 full terms.

25 (c) The membership of the Board should reasonably

1 reflect representation from the various geographic areas
2 of the State.

3 (d) In making appointments to the Board, the Secretary
4 ~~Director~~ shall give due consideration to recommendations
5 by organizations of the speech-language pathology and
6 audiology professions in Illinois, including the Illinois
7 Speech-Language-Hearing Association and the Illinois
8 Academy of Audiology, and shall promptly give due notice to
9 such organizations of any vacancy in the membership of the
10 Board. The Secretary ~~Director~~ may terminate the
11 appointment of any member for any cause, which in the
12 opinion of the Secretary ~~Director~~, reasonably justifies
13 such termination.

14 (e) A majority of the Board members currently appointed
15 shall constitute a quorum. A vacancy in the membership of
16 the Board shall not impair the right of a quorum to
17 exercise all the rights and perform all the duties of the
18 Board.

19 (f) The members of the Board may ~~shall~~ each receive as
20 compensation a reasonable sum as determined by the
21 Secretary ~~Director~~ for each day actually engaged in the
22 duties of the office, and all legitimate and necessary
23 expenses incurred in attending the meetings of the Board.

24 (g) Members of the Board shall be immune from suit in
25 any action based upon any disciplinary proceedings or other
26 activities performed in good faith as members of the Board.

1 (h) The Secretary ~~Director~~ may consider the
2 recommendations of the Board in establishing guidelines
3 for professional conduct, the conduct of formal
4 disciplinary proceedings brought under this Act, and
5 qualifications of applicants. Notice of proposed
6 rulemaking shall be transmitted to the Board and the
7 Department shall review the response of the Board and any
8 recommendations made in the response. The Department, at
9 any time, may seek the expert advice and knowledge of the
10 Board on any matter relating to the administration or
11 enforcement of this Act.

12 (i) Whenever the Secretary ~~Director~~ is satisfied that
13 substantial justice has not been done either in an
14 examination or in the revocation, suspension, or refusal of
15 a license, or other disciplinary action relating to a
16 license, the Secretary ~~Director~~ may order a reexamination
17 or rehearing.

18 (Source: P.A. 94-528, eff. 8-10-05.)

19 (225 ILCS 110/7) (from Ch. 111, par. 7907)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 7. Licensure requirement.

22 (a) Except as provided in subsection (b), on or after June
23 1, 1989, no person shall practice speech-language pathology or
24 audiology without first applying for and obtaining a license
25 for such purpose from the Department. Except as provided in

1 this Section, on or after January 1, 2002, no person shall
2 perform the functions and duties of a speech-language pathology
3 assistant without first applying for and obtaining a license
4 for that purpose from the Department.

5 (b) A person holding a regular license to practice
6 speech-language pathology or audiology under the laws of
7 another state, a territory of the United States, or the
8 District of Columbia who has made application to the Department
9 for a license to practice speech-language pathology or
10 audiology may practice speech-language pathology or audiology
11 without a license for 90 days from the date of application or
12 until disposition of the license application by the Department,
13 whichever is sooner, if the person (i) holds a Certificate of
14 Clinical Competence from the American Speech-Language-Hearing
15 Association in speech-language pathology or audiology or, in
16 the case of an audiologist, a certificate from the American
17 Board of Audiology and (ii) has not been disciplined and has no
18 disciplinary matters pending in a state, a territory, or the
19 District of Columbia.

20 A person applying for an initial license to practice
21 audiology who is a recent graduate of a Department-approved
22 audiology program may practice as an audiologist for a period
23 of 60 days after the date of application or until disposition
24 of the license application by the Department, whichever is
25 sooner, provided that he or she meets the applicable
26 requirements of Section 8 of this Act.

1 (Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

2 (225 ILCS 110/8) (from Ch. 111, par. 7908)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 8. Qualifications for licenses to practice
5 speech-language pathology or audiology. The Department shall
6 require that each applicant for a license to practice
7 speech-language pathology or audiology shall:

8 (a) (Blank);

9 (b) be at least 21 years of age;

10 (c) not have violated any provisions of Section 16 of
11 this Act;

12 (d) present satisfactory evidence of receiving a
13 master's or doctoral degree in speech-language pathology
14 ~~or audiology~~ from a program approved by the Department.
15 Nothing in this Act shall be construed to prevent any
16 program from establishing higher standards than specified
17 in this Act;

18 (d-5) when applying for an initial license as an
19 audiologist prior to January 1, 2008, present satisfactory
20 evidence of receiving a master's or doctoral degree in
21 audiology from a program approved by the Department. If
22 applying for an initial license on or after January 1,
23 2008, present satisfactory evidence of a doctoral degree in
24 audiology from a program approved by the Department.
25 Nothing in this Act shall be construed to prevent any

1 program from establishing higher standards than specified
2 in this Act;

3 (e) pass a national examination recognized by the
4 Department in the theory and practice of the profession;

5 (f) for a license as a speech-language pathologist,
6 have completed the equivalent of 9 months of supervised
7 experience; and

8 (g) for a license as an audiologist, have completed a
9 minimum of 1,500 clock hours of supervised experience or
10 present evidence of a Doctor of Audiology (AuD) degree.

11 Applicants have 3 years from the date of application to
12 complete the application process. If the process has not been
13 completed within 3 years, the application shall be denied, the
14 fee shall be forfeited, and the applicant must reapply and meet
15 the requirements in effect at the time of reapplication.

16 (Source: P.A. 94-528, eff. 8-10-05.)

17 (225 ILCS 110/8.5)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 8.5. Qualifications for licenses as a speech-language
20 pathology assistant. ~~(a)~~ A person is qualified to be licensed
21 as a speech-language pathology assistant if that person has
22 applied in writing on forms prescribed by the Department, has
23 paid the required fees, and meets both of the following
24 criteria:

25 (1) Is of good moral character. In determining moral

1 character, the Department may take into consideration any
2 felony conviction or plea of guilty or nolo contendere of
3 the applicant, but such a conviction or plea shall not
4 operate automatically as a complete bar to licensure.

5 (2) Has received an associate degree from a
6 speech-language pathology assistant program that has been
7 approved by the Department and that meets the minimum
8 requirements set forth in Section 8.6 ~~or has received,~~
9 ~~prior to June 1, 2003, an associate degree from a~~
10 ~~speech language pathology assistant program approved by~~
11 ~~the Illinois Community College Board. (b) Until July 1,~~
12 ~~2005, a person holding a bachelor's level degree in~~
13 ~~communication disorders who was employed to assist a~~
14 ~~speech language pathologist on June 1, 2002 (the effective~~
15 ~~date of P.A. 92-510) shall be eligible to receive a license~~
16 ~~as a speech language pathology assistant from the~~
17 ~~Department upon completion of forms prescribed by the~~
18 ~~Department and the payment of the required fee.~~

19 (Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

20 (225 ILCS 110/10) (from Ch. 111, par. 7910)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 10. Roster ~~List~~ of speech-language pathologists and
23 audiologists. The Department shall maintain a roster ~~list~~ of
24 the names and addresses of the speech-language pathologists,
25 speech-language pathology assistants, and audiologists. Such

1 lists shall also be mailed by the Department to any person upon
2 request and payment of the required fee.

3 (Source: P.A. 92-510, eff. 6-1-02.)

4 (225 ILCS 110/11) (from Ch. 111, par. 7911)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 11. Expiration, renewal and restoration of licenses.

7 (a) The expiration date and renewal period for each license
8 issued under this Act shall be set by rule. A speech-language
9 pathologist, speech-language pathology assistant, or
10 audiologist may renew such license during the month preceding
11 the expiration date thereof by paying the required fee.

12 (a-5) All renewal applicants shall provide proof as
13 determined by the Department of having met the continuing
14 education requirements set forth in the rules of the
15 Department. At a minimum, the rules shall require a renewal
16 applicant for licensure as a speech-language pathologist or
17 audiologist to provide proof of completing at least 20 clock
18 hours of continuing education during the 2-year licensing cycle
19 for which he or she is currently licensed. An audiologist who
20 has met the continuing education requirements of the Hearing
21 Instrument Consumer Protection Act during an equivalent
22 licensing cycle under this Act shall be deemed to have met the
23 continuing education requirements of this Act. At a minimum,
24 the rules shall require a renewal applicant for licensure as a
25 speech-language pathology assistant to provide proof of

1 completing at least 10 clock hours of continuing education
2 during the 2-year period for which he or she currently holds a
3 license. ~~The Department shall provide by rule for an orderly
4 process for the reinstatement of licenses that have not been
5 renewed for failure to meet the continuing education
6 requirements. The continuing education requirements may be
7 waived in cases of extreme hardship as defined by rule of the
8 Department.~~

9 ~~The Department shall establish by rule a means for the
10 verification of completion of the continuing education
11 required by this Section. This verification may be accomplished
12 through audits of records maintained by licensees, by requiring
13 the filing of continuing education certificates with the
14 Department, or by other means established by the Department.~~

15 (b) Inactive status.

16 (1) Any licensee who notifies the Department in writing
17 on forms prescribed by the Department may elect to place
18 his or her license on an inactive status and shall, subject
19 to rules of the Department, be excused from payment of
20 renewal fees until he or she notifies the Department in
21 writing of his or her desire to resume active status.

22 (2) Any licensee requesting restoration from inactive
23 status shall be required to (i) pay the current renewal
24 fee; and (ii) demonstrate that he or she has completed a
25 minimum ~~obtained the equivalent~~ of 20 hours of continuing
26 education and met any additional continuing education

1 requirements established by the Department by rule ~~if the~~
2 ~~licensee has been inactive for 5 years or more.~~

3 (3) Any licensee whose license is in an inactive status
4 shall not practice in the State of Illinois without first
5 restoring his or her license.

6 (4) Any licensee who shall engage in the practice while
7 the license is lapsed or inactive shall be considered to be
8 practicing without a license which shall be grounds for
9 discipline under Section 16 of this Act.

10 (c) Any speech-language pathologist, speech-language
11 pathology assistant, or audiologist whose license has expired
12 may have his or her license restored at any time within 5 years
13 after the expiration thereof, upon payment of the required fee.

14 (d) Any person whose license has been expired or inactive
15 for 5 years or more may have his or her license restored by
16 making application to the Department and filing proof
17 acceptable to the Department of his or her fitness to have his
18 or her license restored, including sworn evidence certifying to
19 active lawful practice in another jurisdiction, and by paying
20 the required restoration fee. A person practicing on an expired
21 license is deemed to be practicing without a license.

22 (e) If a person whose license has expired has not
23 maintained active practice in another jurisdiction, the
24 Department shall determine, by an evaluation process
25 established by rule, his or her fitness to resume active status
26 and may require the person to complete a period of evaluated

1 clinical experience, and may require successful completion of
2 an examination.

3 (f) Any person whose license has expired while he or she
4 has been engaged (1) in federal or State service on active
5 duty, or (2) in training or education under the supervision of
6 the United States preliminary to induction into the military
7 service, may have his or her license restored without paying
8 any lapsed renewal or restoration fee, if within 2 years after
9 termination of such service, training or education he or she
10 furnishes the Department with satisfactory proof that he or she
11 has been so engaged and that his or her service, training or
12 education has been so terminated.

13 (Source: P.A. 92-510, eff. 6-1-02.)

14 (225 ILCS 110/13) (from Ch. 111, par. 7913)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 13. Licensing applicants from other states.

17 Upon payment of the required fee, an applicant who is a
18 speech-language pathologist, speech-language pathology
19 assistant, or audiologist licensed under the laws of another
20 state or territory of the United States, may ~~shall~~ without
21 examination be granted a license as a speech-language
22 pathologist, speech-language pathology assistant, or
23 audiologist by the Department:

24 (a) whenever the requirements of such state or territory of
25 the United States were at the date of licensure substantially

1 equal to the requirements then in force in this State; or

2 (b) whenever such requirements of another state or
3 territory of the United States together with educational and
4 professional qualifications, as distinguished from practical
5 experience, of the applicant since obtaining a license as
6 speech-language pathologist, speech-language pathology
7 assistant, or audiologist in such state or territory of the
8 United States are substantially equal to the requirements in
9 force in Illinois at the time of application for licensure as a
10 speech-language pathologist, speech-language pathology
11 assistant, or audiologist.

12 Applicants have 3 years from the date of application to
13 complete the application process. If the process has not been
14 completed within 3 years, the application shall be denied, the
15 fee shall be forfeited, and the applicant must reapply and meet
16 the requirements in effect at the time of reapplication.

17 (Source: P.A. 92-510, eff. 6-1-02.)

18 (225 ILCS 110/15) (from Ch. 111, par. 7915)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 15. Returned checks; Penalties. Any person who
21 delivers a check or other payment to the Department that is
22 returned to the Department unpaid by the financial institution
23 upon which it is drawn shall pay to the Department, in addition
24 to the amount already owed to the Department, a fine of \$50.
25 The fines imposed by this Section are in addition to any other

1 discipline provided under this Act for unlicensed practice or
2 practice on a nonrenewed license. The Department shall notify
3 the person that payment of fees and fines shall be paid to the
4 Department by certified check or money order within 30 calendar
5 days of the notification. If, after the expiration of 30 days
6 from the date of the notification, the person has failed to
7 submit the necessary remittance, the Department shall
8 automatically terminate the license or certificate or deny the
9 application, without hearing. If, after termination or denial,
10 the person seeks a license or certificate, he or she shall
11 apply to the Department for restoration or issuance of the
12 license or certificate and pay all fees and fines due to the
13 Department. The Department may establish a fee for the
14 processing of an application for restoration of a license or
15 certificate to pay all expenses of processing this application.
16 The Secretary ~~Director~~ may waive the fines due under this
17 Section in individual cases where the Secretary ~~Director~~ finds
18 that the fines would be unreasonable or unnecessarily
19 burdensome.

20 (Source: P.A. 92-146, eff. 1-1-02.)

21 (225 ILCS 110/16) (from Ch. 111, par. 7916)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 16. Refusal, revocation or suspension of licenses.

24 (1) The Department may refuse to issue or renew, or may
25 revoke, suspend, place on probation, censure, reprimand or take

1 other disciplinary or non-disciplinary action as the
2 Department may deem proper, including fines not to exceed
3 \$10,000 ~~\$5,000~~ for each violation, with regard to any license
4 for any one or combination of the following causes:

5 (a) Fraud in procuring the license.

6 (b) (Blank). ~~Habitual intoxication or addiction to the~~
7 ~~use of drugs.~~

8 (c) Willful or repeated violations of the rules of the
9 Department of Public Health.

10 (d) Division of fees or agreeing to split or divide the
11 fees received for speech-language pathology or audiology
12 services with any person for referring an individual, or
13 assisting in the care or treatment of an individual,
14 without the knowledge of the individual or his or her legal
15 representative.

16 (e) Employing, procuring, inducing, aiding or abetting
17 a person not licensed as a speech-language pathologist or
18 audiologist to engage in the unauthorized practice of
19 speech-language pathology or audiology.

20 (e-5) Employing, procuring, inducing, aiding, or
21 abetting a person not licensed as a speech-language
22 pathology assistant to perform the functions and duties of
23 a speech-language pathology assistant.

24 (f) Making any misrepresentations or false promises,
25 directly or indirectly, to influence, persuade or induce
26 patronage.

1 (g) Professional connection or association with, or
2 lending his or her name to another for the illegal practice
3 of speech-language pathology or audiology by another, or
4 professional connection or association with any person,
5 firm or corporation holding itself out in any manner
6 contrary to this Act.

7 (h) Obtaining or seeking to obtain checks, money, or
8 any other things of value by false or fraudulent
9 representations, including but not limited to, engaging in
10 such fraudulent practice to defraud the medical assistance
11 program of the Department of Healthcare and Family Services
12 (formerly Department of Public Aid).

13 (i) Practicing under a name other than his or her own.

14 (j) Improper, unprofessional or dishonorable conduct
15 of a character likely to deceive, defraud or harm the
16 public.

17 (k) Conviction of or entry of a plea of guilty or nolo
18 contendere to any crime that in this or another state of
19 any crime which is a felony under the laws of the United
20 States or any state or territory thereof, or that is a
21 misdemeanor of which an essential element is dishonesty, or
22 that is directly related to the practice of the profession
23 this State or conviction of a felony in a federal court, if
24 the Department determines, after investigation, that such
25 person has not been sufficiently rehabilitated to warrant
26 the public trust.

1 (1) Permitting a person under his or her supervision to
2 perform any function not authorized by this Act.

3 (m) A violation of any provision of this Act or rules
4 promulgated thereunder.

5 (n) Discipline ~~Revocation~~ by another state, the
6 District of Columbia, territory, or foreign nation of a
7 license to practice speech-language pathology or audiology
8 or a license to practice as a speech-language pathology
9 assistant in its jurisdiction if at least one of the
10 grounds for that discipline ~~revocation~~ is the same as or
11 the equivalent of one of the grounds for discipline
12 ~~revocation~~ set forth herein.

13 (o) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the Abused
15 and Neglected Child Reporting Act.

16 (p) Gross or repeated malpractice ~~resulting in injury~~
17 ~~or death of an individual~~.

18 (q) Willfully making or filing false records or reports
19 in his or her practice as a speech-language pathologist,
20 speech-language pathology assistant, or audiologist,
21 including, but not limited to, false records to support
22 claims against the public assistance program of the
23 Department of Healthcare and Family Services (formerly
24 Illinois Department of Public Aid).

25 (r) Professional incompetence as manifested by poor
26 standards of care or mental incompetence as declared by a

1 court of competent jurisdiction.

2 (s) Repeated irregularities in billing a third party
3 for services rendered to an individual. For purposes of
4 this Section, "irregularities in billing" shall include:

5 (i) reporting excessive charges for the purpose of
6 obtaining a total payment in excess of that usually
7 received by the speech-language pathologist,
8 speech-language pathology assistant, or audiologist
9 for the services rendered;

10 (ii) reporting charges for services not rendered;

11 or

12 (iii) incorrectly reporting services rendered for
13 the purpose of obtaining payment not earned.

14 (t) (Blank).

15 (u) Violation of the Health Care Worker Self-Referral
16 Act.

17 (v) Inability ~~Physical illness, including but not~~
18 ~~limited to deterioration through the aging process or loss~~
19 ~~of motor skill, mental illness, or disability that results~~
20 ~~in the inability to practice the profession with reasonable~~
21 judgment, skill, or safety as a result of habitual or
22 excessive use of or addiction to alcohol, narcotics, or
23 stimulants or any other chemical agent or drug or as a
24 result of physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill, mental illness, or disability.

1 (w) Violation of the Hearing Instrument Consumer
2 Protection Act.

3 (x) Failure by a speech-language pathology assistant
4 and supervising speech-language pathologist to comply with
5 the supervision requirements set forth in Section 8.8.

6 (y) Wilfully exceeding the scope of duties customarily
7 undertaken by speech-language pathology assistants set
8 forth in Section 8.7 that results in, or may result in,
9 harm to the public.

10 (2) The Department shall deny a license or renewal
11 authorized by this Act to any person who has defaulted on an
12 educational loan guaranteed by the Illinois State Scholarship
13 Commission; however, the Department may issue a license or
14 renewal if the aforementioned persons have established a
15 satisfactory repayment record as determined by the Illinois
16 State Scholarship Commission.

17 (3) The entry of an order by a circuit court establishing
18 that any person holding a license under this Act is subject to
19 involuntary admission or judicial admission as provided for in
20 the Mental Health and Developmental Disabilities Code,
21 operates as an automatic suspension of that license. That
22 person may have his or her license restored only upon the
23 determination by a circuit court that the patient is no longer
24 subject to involuntary admission or judicial admission and the
25 issuance of an order so finding and discharging the patient,
26 and upon the Board's recommendation to the Department that the

1 license be restored. Where the circumstances so indicate, the
2 Board may recommend to the Department that it require an
3 examination prior to restoring any license automatically
4 suspended under this subsection.

5 (4) The Department may refuse to issue or may suspend the
6 license of any person who fails to file a return, or to pay the
7 tax, penalty, or interest shown in a filed return, or to pay
8 any final assessment of the tax penalty or interest, as
9 required by any tax Act administered by the Department of
10 Revenue, until such time as the requirements of any such tax
11 Act are satisfied.

12 (5) In enforcing this Section, the Board upon a showing of
13 a possible violation may compel an individual licensed to
14 practice under this Act, or who has applied for licensure
15 pursuant to this Act, to submit to a mental or physical
16 examination, or both, as required by and at the expense of the
17 Department. The examining physicians or clinical psychologists
18 shall be those specifically designated by the Board. The
19 individual to be examined may have, at his or her own expense,
20 another physician or clinical psychologist of his or her choice
21 present during all aspects of this examination. Failure of any
22 individual to submit to a mental or physical examination, when
23 directed, shall be grounds for suspension of his or her license
24 until the individual submits to the examination if the Board
25 finds, after notice and hearing, that the refusal to submit to
26 the examination was without reasonable cause.

1 If the Board finds an individual unable to practice because
2 of the reasons set forth in this Section, the Board may require
3 that individual to submit to care, counseling, or treatment by
4 physicians or clinical psychologists approved or designated by
5 the Board, as a condition, term, or restriction for continued,
6 reinstated, or renewed licensure to practice; or, in lieu of
7 care, counseling, or treatment, the Board may recommend to the
8 Department to file a complaint to immediately suspend, revoke,
9 or otherwise discipline the license of the individual. Any
10 individual whose license was granted, continued, reinstated,
11 renewed, disciplined or supervised subject to such terms,
12 conditions, or restrictions, and who fails to comply with such
13 terms, conditions, or restrictions, shall be referred to the
14 Secretary ~~Director~~ for a determination as to whether the
15 individual shall have his or her license suspended immediately,
16 pending a hearing by the Board.

17 In instances in which the Secretary ~~Director~~ immediately
18 suspends a person's license under this Section, a hearing on
19 that person's license must be convened by the Board within 15
20 days after the suspension and completed without appreciable
21 delay. The Board shall have the authority to review the subject
22 individual's record of treatment and counseling regarding the
23 impairment to the extent permitted by applicable federal
24 statutes and regulations safeguarding the confidentiality of
25 medical records.

26 An individual licensed under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate to
2 the Board that he or she can resume practice in compliance with
3 acceptable and prevailing standards under the provisions of his
4 or her license.

5 (Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised
6 12-15-05.)

7 (225 ILCS 110/17) (from Ch. 111, par. 7917)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 17. Investigations; notice; hearings ~~of hearing~~.

10 Licenses may be refused, revoked, or suspended in the manner
11 provided by this Act and not otherwise. The Department may upon
12 its own motion and shall upon the verified complaint in writing
13 of any person setting forth facts that if proven would
14 constitute grounds for refusal to issue, suspend, or revoke
15 under this Act, investigate the actions of any person applying
16 for, holding, or claiming to hold a license.

17 The Department shall, before refusing to issue or renew or
18 suspending or revoking any license or taking other disciplinary
19 action pursuant to Section 16 of this Act, and at least 30 days
20 prior to the date set for the hearing, notify, in writing, the
21 applicant for or the holder of such license of any charges
22 made, afford the accused person an opportunity to be heard in
23 person or by counsel in reference thereto, and direct the
24 applicant or licensee to file a written answer to the Board
25 under oath within 20 days after the service of the notice and

1 inform the applicant or licensee that failure to file an answer
2 will result in default being taken against the applicant or
3 licensee and that the license or certificate may be suspended,
4 revoked, placed on probationary status, or other disciplinary
5 action may be taken, including limiting the scope, nature, or
6 extent of practice, as the Secretary may deem proper. Written
7 notice may be served by delivery of the same personally to the
8 accused person or by mailing the same by certified mail to his
9 or her last known place of residence or to the place of
10 business last specified by the accused person in his or her
11 last notification to the Department. In case the person fails
12 to file an answer after receiving notice, his or her license or
13 certificate may, in the discretion of the Department, be
14 suspended, revoked, or placed on probationary status or the
15 Department may take whatever disciplinary action deemed
16 proper, including limiting the scope, nature, or extent of the
17 person's practice or the imposition of a fine, without a
18 hearing, if the act or acts charged constitute sufficient
19 grounds for such action under this Act.

20 At the time and place fixed in the notice, the Board shall
21 proceed to hearing of the charges and both the accused person
22 and the complainant shall be accorded ample opportunity to
23 present, in person or by counsel, any statements, testimony,
24 evidence, and arguments as may be pertinent to the charges or
25 to their defense. The Board may continue such hearing from time
26 to time. If the Board is not sitting at the time and place

1 fixed in the notice or at the time and place to which the
2 hearing shall have been continued, the Department shall
3 continue such hearing for a period not to exceed 30 days. Upon
4 ~~the motion of either the Department or the Board or upon the~~
5 ~~verified complaint in writing of any person setting forth facts~~
6 ~~that if proven would constitute grounds for refusal to issue,~~
7 ~~suspension, or revocation of a license or for taking any other~~
8 ~~disciplinary action with regard to a license under this Act,~~
9 ~~the Department shall investigate the actions of any person,~~
10 ~~hereinafter called the "licensee", who holds or represents that~~
11 ~~he or she holds a license. All such motions or complaints shall~~
12 ~~be brought to the Board.~~

13 ~~The Director shall, before refusing to issue, suspending,~~
14 ~~revoking, placing on probationary status, or taking any other~~
15 ~~disciplinary action as the Director may deem proper with regard~~
16 ~~to any license, at least 30 days prior to the date set for the~~
17 ~~hearing, notify the licensee in writing of any charges made and~~
18 ~~the time and place for a hearing of the charges before the~~
19 ~~Board. The Board shall also direct him to file his or her~~
20 ~~written answer thereto with the Board under oath within 20 days~~
21 ~~after the service on him of such notice, and inform him that if~~
22 ~~he or she fails to file such answer, his or her license may be~~
23 ~~suspended, revoked, placed on probationary status or other~~
24 ~~disciplinary action may be taken with regard thereto, including~~
25 ~~limiting the scope, nature or extent of his or her practice as~~
26 ~~the Director may deem proper.~~

1 ~~Such written notice and any notice in such proceeding~~
2 ~~thereafter may be served by delivery personally to the~~
3 ~~licensee, or by registered or certified mail to the address~~
4 ~~specified by the licensee in his or her last notification to~~
5 ~~the Director.~~

6 (Source: P.A. 90-69, eff. 7-8-97.)

7 (225 ILCS 110/18) (from Ch. 111, par. 7918)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 18. Temporary suspension of license ~~Disciplinary~~
10 ~~actions. (a) In case the licensee, after receiving notice,~~
11 ~~fails to file an answer, his or her license may, in the~~
12 ~~discretion of the Director, having first received the~~
13 ~~recommendation of the Board, be suspended, revoked, placed on~~
14 ~~probationary status or the Director may take whatever~~
15 ~~disciplinary action he or she may deem proper, including~~
16 ~~limiting the scope, nature, or extent of the person's practice~~
17 ~~or the imposition of a fine, without a hearing, if the act or~~
18 ~~acts charged constitute sufficient grounds for such action~~
19 ~~under this Act. (b) The Secretary ~~Director~~ may temporarily~~
20 suspend the license of a speech-language pathologist,
21 speech-language pathology assistant, or audiologist without a
22 hearing, simultaneous to the institution of proceedings for a
23 hearing under this Act, if the Secretary ~~Director~~ finds that
24 evidence in his or her possession indicates that a
25 speech-language pathologist's, speech-language pathology

1 assistant's, or an audiologist's continuation in practice
2 would constitute an immediate danger to the public. In the
3 event that the Secretary ~~Director~~ temporarily suspends the
4 license of a speech-language pathologist, speech-language
5 pathology assistant, or audiologist without a hearing, a
6 hearing by the Board must be held within 15 days after such
7 suspension has occurred and concluded without appreciable
8 delay.

9 (Source: P.A. 92-510, eff. 6-1-02.)

10 (225 ILCS 110/19) (from Ch. 111, par. 7919)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 19. Subpoenas; depositions; oaths ~~Hearings. At the~~
13 ~~time and place fixed in the notice under Section 17, the Board~~
14 ~~shall proceed to hear the charges and both the licensee and the~~
15 ~~complainant shall be accorded ample opportunity to present in~~
16 ~~person, or by counsel, such statements, testimony, evidence and~~
17 ~~arguments as may be pertinent to the charges or to any defense~~
18 ~~thereto. The Board may continue such hearing from time to time.~~
19 ~~If the Board is not sitting at the time and place fixed in the~~
20 ~~notice or at the time and place to which the hearing has been~~
21 ~~continued, the Department shall continue such hearing for a~~
22 ~~period not to exceed 30 days.~~

23 The ~~Board and~~ Department has the ~~shall have~~ power to
24 subpoena documents, books, records, or other materials and
25 bring before it ~~the Board~~ any person ~~in this State~~ and to take

1 testimony either orally or by deposition, or both, with the
2 same fees and mileage and in the same manner as ~~is~~ prescribed
3 in civil cases in the courts of this State ~~by law pursuant to~~
4 ~~"An Act concerning fees and salaries, and to classify the~~
5 ~~several counties of this State with reference thereto",~~
6 ~~approved March 28, 1874, as amended.~~

7 The Secretary, the designated hearing officer, ~~Director~~
8 and every any member of the Board has the ~~shall have~~ power to
9 administer oaths to witnesses at any hearing that ~~which~~ the
10 Department ~~or Board~~ is authorized ~~by law~~ to conduct and any
11 other oaths authorized in any Act administered by the
12 Department.

13 (Source: P.A. 85-1391.)

14 (225 ILCS 110/20) (from Ch. 111, par. 7920)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 20. Attendance of Witnesses, Production of Documents.
17 Any circuit court, upon the application of the ~~licensee or~~
18 ~~complainant or of the~~ Department or designated hearing officer
19 ~~or Board,~~ may enter an order requiring the attendance of
20 witnesses and their testimony and the production of documents,
21 papers, files, books, and records in connection with any
22 hearing or investigation ~~relevant books and papers before the~~
23 ~~Board in any hearing relative to the application for or~~
24 ~~refusal, recall, suspension or revocation of a license.~~ The
25 court may compel obedience to its order by proceedings for

1 contempt.

2 (Source: P.A. 85-1391.)

3 (225 ILCS 110/21) (from Ch. 111, par. 7921)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 21. Findings and recommendations ~~Recommendations for~~
6 ~~disciplinary action.~~ At the conclusion of a hearing, the Board
7 shall present to the Secretary a written report of its findings
8 of fact, conclusions of law, and recommendations. The report
9 shall contain a finding of whether or not the accused person
10 violated this Act or its rules or failed to comply with the
11 conditions required in this Act or its rules. The Board shall
12 specify the nature of any violations or failure to comply and
13 shall make its recommendations to the Secretary.

14 In making recommendations for any disciplinary actions,
15 the Board may take into consideration all facts and
16 circumstances bearing upon the reasonableness of the conduct of
17 the accused and the potential for future harm to the public,
18 including, but not limited to, previous discipline of the
19 accused by the Department, intent, degree of harm to the
20 public, likelihood of harm in the future, any restitution made
21 by the accused, and whether the incident or incidents contained
22 in the complaint appear to be isolated or represent a
23 continuing pattern of conduct. In making its recommendations
24 for discipline, the Board shall endeavor to ensure that the
25 severity of the discipline recommended is reasonably related to

1 the severity of the violation.

2 The report of findings of fact, conclusions of law, and
3 recommendations of the Board shall be the basis for the
4 Department's order refusing to issue, restore, or renew a
5 license, or otherwise disciplining a licensee. If the Secretary
6 disagrees with the recommendations of the Board, the Secretary
7 may issue an order in contravention of the Board
8 recommendations. Board findings are not admissible as evidence
9 against the person in a criminal prosecution brought for a
10 violation of this Act; however, the hearing and findings shall
11 not serve as a bar to criminal prosecution brought for a
12 violation of this Act. The Board may advise the Director that
13 probation be granted or that other disciplinary action,
14 including the limitation of the scope, nature or extent of a
15 person's practice, be taken, as it deems proper. If
16 disciplinary action other than suspension or revocation is
17 taken, the Board may advise the Director to impose reasonable
18 limitations and requirements upon the licensee to insure
19 compliance with the terms of the probation or other
20 disciplinary action, including, but not limited to, regular
21 reporting by the licensee to the Director of his or her
22 actions, or the licensee placing himself under the care of a
23 qualified physician for treatment or limiting his or her
24 practice in such manner as the Director may require.

25 ~~The Board shall present to the Director a written report of~~
26 ~~its findings and recommendations. A copy of such report shall~~

1 ~~be served upon the licensee, either personally or by registered~~
2 ~~or certified mail. Within 20 days after such service, the~~
3 ~~licensee may present to the Department his or her motion in~~
4 ~~writing for a rehearing, specifying the particular grounds~~
5 ~~therefor. If the licensee orders and pays for a transcript of~~
6 ~~the record, the time elapsing thereafter and before such~~
7 ~~transcript is ready for delivery to him shall not be counted as~~
8 ~~part of such 20 days.~~

9 ~~At the expiration of the time allowed for filing a motion~~
10 ~~for rehearing, the Director may take the action recommended by~~
11 ~~the Board. Upon suspension, revocation, placement on~~
12 ~~probationary status, or the taking of any other disciplinary~~
13 ~~action, including the limiting of the scope, nature, or extent~~
14 ~~of one's practice, deemed proper by the Director, with regard~~
15 ~~to the license, the licensee shall surrender his or her license~~
16 ~~to the Department if ordered to do so by the Department and~~
17 ~~upon his or her failure or refusal to do so, the Department may~~
18 ~~seize such license.~~

19 ~~In all instances under this Act in which the Board has~~
20 ~~rendered a recommendation to the Director with respect to a~~
21 ~~particular person, the Director shall notify the Board if he or~~
22 ~~she disagrees with or takes action contrary to the~~
23 ~~recommendation of the Board.~~

24 ~~Each order of revocation, suspension or other disciplinary~~
25 ~~action shall contain a brief and concise statement of the~~
26 ~~ground or grounds upon which the Department's action is based,~~

1 ~~as well as the specific terms and conditions of such action.~~

2 (Source: P.A. 90-69, eff. 7-8-97)

3 (225 ILCS 110/21.1 new)

4 Sec. 21.1. Board; rehearing. At the conclusion of the
5 hearing, a copy of the Board's report shall be served upon the
6 applicant or licensee by the Department, either personally or
7 as provided in this Act for the service of a notice of hearing.
8 Within 20 days after service, the applicant or licensee may
9 present to the Department a motion, in writing, for a
10 rehearing, which shall specify the particular grounds for
11 rehearing. The Department may respond to the motion for
12 rehearing within 20 days after its service on the Department.
13 If no motion for rehearing is filed, then upon the expiration
14 of the time specified for filing such a motion, or if a motion
15 for rehearing is denied, then upon denial, the Secretary may
16 enter an order in accordance with recommendations of the Board
17 except as provided in Section 22 of this Act. If the applicant
18 or licensee orders from the reporting service and pays for a
19 transcript of the record within the time for filing a motion
20 for rehearing, the 20-day period within which a motion may be
21 filed shall commence upon the delivery of the transcript to the
22 applicant or licensee.

23 (225 ILCS 110/21.2 new)

24 Sec. 21.2. Secretary; rehearing. Whenever the Secretary

1 believes that substantial justice has not been done in the
2 revocation, suspension, or refusal to issue, restore, or renew
3 a license or other discipline of an applicant or licensee, he
4 or she may order a rehearing by the same or other examiners.

5 (225 ILCS 110/22) (from Ch. 111, par. 7922)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 22. Appointment of a hearing officer. The Secretary
8 ~~Director~~ shall have the authority to appoint any attorney duly
9 licensed to practice law in the State of Illinois to serve as
10 the hearing officer for any action for refusal to issue, renew
11 or discipline of a license. The hearing officer shall have full
12 authority to conduct the hearing. Board members may attend
13 hearings. The hearing officer shall report his or her findings
14 and recommendations to the Board and the Secretary ~~Director~~.
15 The Board shall ~~have 60 days after receipt of the report to~~
16 review the report of the hearing officer and present its
17 findings of fact, conclusions of law and recommendations to the
18 Secretary and to all parties to the proceedings ~~Director~~. ~~If~~
19 ~~the Board fails to present its report within the 60-day period,~~
20 ~~the Director may issue an order based on the report of the~~
21 ~~hearing officer.~~ If the Secretary ~~Director~~ disagrees in any
22 regard with the Board's report, he or she may issue an order in
23 contravention of the Board's report.

24 (Source: P.A. 90-69, eff. 7-8-97.)

1 (225 ILCS 110/23) (from Ch. 111, par. 7923)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 23. Restoration. At any time after suspension,
4 revocation, placement on probationary status, or the taking of
5 any other disciplinary action with regard to any license, the
6 Department may restore the license, or take any other action to
7 reinstate the license to good standing, ~~without examination,~~
8 upon the written recommendation of the Board, unless after an
9 investigation and a hearing, the Board determines that
10 restoration is not in the public interest.

11 (Source: P.A. 85-1391.)

12 (225 ILCS 110/24) (from Ch. 111, par. 7924)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 24. Review under the Administrative Review Law -
15 ~~Application.~~

16 All final administrative decisions of the Department
17 hereunder shall be ~~are~~ subject to judicial review pursuant to
18 the provisions of the Administrative Review Law and all
19 amendments and modifications thereof and rules adopted thereto
20 ~~Article III of the Code of Civil Procedure, and the rules~~
21 ~~adopted pursuant thereto.~~ The term "administrative decision"
22 is defined as in Section 3-101 of the Code of Civil Procedure.

23 ~~Such proceedings for judicial review shall be commenced in~~
24 ~~the circuit court of the county in which the party applying for~~
25 ~~review resides, but if such party is not a resident of this~~

1 ~~State, the venue shall be in Sangamon County.~~

2 ~~The Department shall not be required to certify any record~~
3 ~~to the court or file any answer in court or otherwise appear in~~
4 ~~any court in a judicial review proceeding, unless there is~~
5 ~~filed in the court with the complaint a receipt from the~~
6 ~~Department acknowledging payment of the costs of furnishing and~~
7 ~~certifying the record, which costs shall be computed at the~~
8 ~~rate of 20 cents per page of such record. Exhibits shall be~~
9 ~~certified without cost. Failure on the part of the plaintiff to~~
10 ~~file such receipt in court shall be grounds for dismissal of~~
11 ~~the action. During the pendency and hearing of any and all~~
12 ~~judicial proceedings incident to such disciplinary action, any~~
13 ~~sanctions imposed upon the licensee by the Department shall~~
14 ~~remain in full force and effect.~~

15 (Source: P.A. 85-1391.)

16 (225 ILCS 110/24.1 new)

17 Sec. 24.1. Certifications of record; costs. The Department
18 shall not be required to certify any record to the court, to
19 file an answer in court, or to otherwise appear in any court in
20 a judicial review proceeding unless there is filed in the
21 court, with the complaint, a receipt from the Department
22 acknowledging payment of the costs of furnishing and certifying
23 the record, which costs shall be determined by the Department.
24 Failure on the part of the plaintiff to file the receipt in
25 court is grounds for dismissal of the action.

1 (225 ILCS 110/25) (from Ch. 111, par. 7925)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 25. Order or certified copy; prima facie proof
4 ~~Revocation Orders.~~ An order ~~of revocation, suspension,~~
5 ~~placement on probationary status or other formal disciplinary~~
6 ~~action as the Department may deem proper,~~ or a certified copy
7 thereof, over the seal of the Department and purporting to be
8 signed by the Secretary ~~Director of the Department,~~ is prima
9 facie proof that:

10 (a) the ~~such~~ signature is the genuine signature of the
11 Secretary ~~Director~~;

12 (b) the Secretary ~~Director~~ is duly appointed and qualified;
13 and

14 (c) the Board and its ~~the~~ members ~~thereof~~ are qualified to
15 act.

16 (Source: P.A. 85-1391.)

17 (225 ILCS 110/28) (from Ch. 111, par. 7928)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 28. Injunction. The practice of speech-language
20 pathology or audiology by any person not holding a valid and
21 current license under this Act or a person performing the
22 functions and duties of a speech-language pathology assistant
23 without a valid and current license under this Act, is declared
24 to be inimical to the public welfare, to constitute a public

1 nuisance, and to cause irreparable harm to the public welfare.
2 The Secretary ~~Director~~, the Attorney General, the State's
3 attorney of any county in the State or any person may maintain
4 an action in the name of the People of the State of Illinois,
5 and may apply for an injunction in any circuit court to enjoin
6 any such person from engaging in such practice. Upon the filing
7 of a verified petition in such court, the court or any judge
8 thereof, if satisfied by affidavit, or otherwise, that such
9 person has been engaged in such practice without a valid and
10 current license, may issue a temporary injunction without
11 notice or bond, enjoining the defendant from any such further
12 practice. Only the showing of nonlicensure, by affidavit or
13 otherwise, is necessary in order for a temporary injunction to
14 issue. A copy of the verified complaint shall be served upon
15 the defendant and the proceedings shall thereafter be conducted
16 as in other civil cases except as modified by this Section. If
17 it is established that the defendant has been, or is engaged in
18 any such unlawful practice, the court, or any judge thereof,
19 may enter an order or judgment perpetually enjoining the
20 defendant from further such practice. In all proceedings
21 hereunder, the court, in its discretion, may apportion the
22 costs among the parties interested in the suit, including cost
23 of filing the complaint, service of process, witness fees and
24 expenses, court reporter charges and reasonable attorneys'
25 fees. In case of violation of any injunction issued under the
26 provisions of this Section, the court or any judge thereof may

1 summarily try and punish the offender for contempt of court.
2 Such injunction proceedings shall be in addition to, and not in
3 lieu of, all penalties and other remedies provided in this Act.
4 (Source: P.A. 92-510, eff. 6-1-02.)

5 (225 ILCS 110/28.5)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 28.5. Cease and desist order. If any person violates
8 the provisions of this Act, the Secretary ~~Director~~, in the name
9 of the People of the State of Illinois, through the Attorney
10 General or the State's Attorney of the county in which the
11 violation is alleged to have occurred, may petition for an
12 order enjoining the violation or for an order enforcing
13 compliance with this Act. Upon the filing of a verified
14 petition, the court with appropriate jurisdiction may issue a
15 temporary restraining order, without notice or bond, and may
16 preliminarily and permanently enjoin the violation. If it is
17 established that the person has violated or is violating the
18 injunction, the court may punish the offender for contempt of
19 court. Proceedings under this Section are in addition to, and
20 not in lieu of, all other remedies and penalties provided by
21 this Act.

22 Whenever, in the opinion of the Department, a person
23 violates any provision of this Act, the Department may issue a
24 rule to show cause why an order to cease and desist should not
25 be entered against that person. The rule shall clearly set

1 forth the grounds relied upon by the Department and shall allow
2 at least 7 days from the date of the rule to file an answer
3 satisfactory to the Department. Failure to answer to the
4 satisfaction of the Department shall cause an order to cease
5 and desist to be issued.

6 (Source: P.A. 90-69, eff. 7-8-97.)

7 (225 ILCS 110/29) (from Ch. 111, par. 7929)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 29. Penalty of unlawful practice - second and
10 subsequent offenses. Any person who practices or offers to
11 practice speech-language pathology or audiology or performs
12 the functions and duties of a speech-language pathology
13 assistant in this State without being licensed for that
14 purpose, or whose license has been suspended or revoked, or who
15 violates any of the provisions of this Act, for which no
16 specific penalty has been provided herein, is guilty of a Class
17 A misdemeanor.

18 Any person who has been previously convicted under any of
19 the provisions of this Act and who subsequently violates any of
20 the provisions of this Act is guilty of a Class 4 felony. In
21 addition, whenever any person is punished as a subsequent
22 offender under this Section, the Secretary ~~Director~~ shall
23 proceed to obtain a permanent injunction against such person
24 under Section 29 of this Act.

25 (Source: P.A. 92-510, eff. 6-1-02.)

1 (225 ILCS 110/26 rep.)

2 Section 15. The Illinois Speech-Language Pathology and
3 Audiology Practice Act is amended by repealing Section 26.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.